

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Kevin Fernandez,)
)
Plaintiff,) **ORDER DENYING MOTION**
) **TO COMPEL**
vs.)
)
State of North Dakota, et. al.,)
)
Defendants.) Case No. 1:12-cv-161

I. DISCUSSION

Before the court is plaintiff's Motion to Compel Discovery Responses (Doc. No. 113). For the reasons set forth below, the motion will be denied. In addition, the court also observes that defendants have responded to hundreds of requests for admissions and document requests by plaintiff and have produced in excess of 700 pages of discovery. It appears clear that the documents relevant to the very narrow claim of constitutional violations that the court will consider have been produced.

A. First Request for Production of Documents

1. Request No. 9

The documents requested are not relevant to any claim of constitutional violations and are unlikely to lead to the discovery of relevant evidence. Further, plaintiff acknowledges that he has been access to most, if not all, of the documents even if under conditions not to his liking.

2. Requests Nos. 55 & 74

The documents requested are not relevant and are unlikely to lead to the discovery of relevant evidence.

3. Requests Nos. 56-62 & 65-68

Defendants' objections based on work product and the contentious nature of the requests are

sustained. Further, it is clear that any documents relevant to the claim of constitutional violations that court will consider have been produced. Further, given the foregoing, a privilege log is not required and, in any event, would be unduly burdensome.

4. Request No. 72

The documents requested are not relevant and are unlikely to lead to the discovery of relevant evidence.

B. Fifth Request for Production of Documents, Request No. 3

The documents requested are not relevant to any claim of constitutional violation and are unlikely to lead to the discovery of relevant evidence.

C. Sixth Request for Production of Documents, Request Nos. 1 & 2

The documents requested are not relevant to any claim of constitutional violation and are unlikely to lead to the discovery of relevant evidence.

D. Requests for Admissions 8 (third set) and 5 (fourth set)

Plaintiff's objections to defendants' responses to the requests for admissions are without merit.

II. ORDER

Based on the foregoing, plaintiff's Motion to Compel Discovery Responses (Doc. No. 113) is **DENIED**.

IT IS SO ORDERED.

Dated this 4th day of April, 2014.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr., Magistrate Judge
United States District Court